

# TRIBAL CUSTOMARY ADOPTIONS

## CDSS ICWA CONSULTATION

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# OUTLINE OF PRESENTATION

- The Regulatory Process
- Tribal Customary Adoption (TCA)
- History of TCA
- TCA Subcommittee
- TCA Regulations
- Next Steps

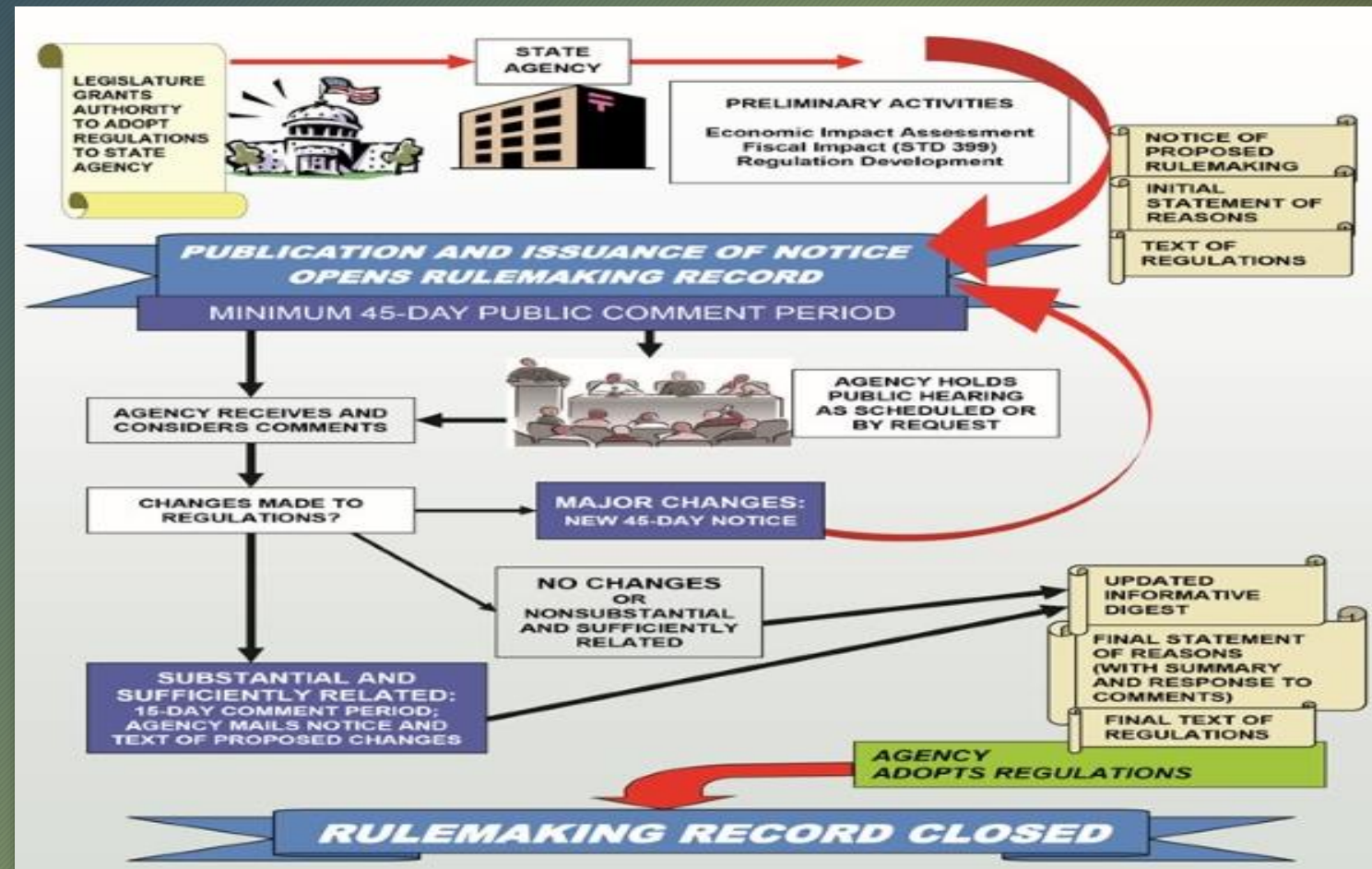


# THE REGULATORY PROCESS

- CDSS consults tribes
- CDSS drafts regulatory language and documents to submit to the Office of Administrative Law
- CDSS engages stakeholder involvement

# OFFICE OF ADMINISTRATIVE LAW

## REGULAR RULEMAKING FLOW CHART





# TRIBAL CUSTOMARY ADOPTIONS

The CDSS Manual of Policies and Procedures Division 31 addresses what the child welfare services worker must do during the intake, documentation, and dependency court proceeding.

California Code of Regulations (CCR) Title 22, Division 2 Adoptions Manual addresses the finalization of the TCA plan which applies to all workers doing adoption assessments and home studies.

# HOW DID WE GET TO THIS POINT?

- Assembly Bill (AB) 1325 Tribal Customary Adoptions (Cook), Chapter 287, Statutes of 2009
- All County Letter (ACL) 10-47 Implementation Of Tribal Customary Adoption
- TCA Subcommittee



# TCA SUBCOMMITTEE

## History:

- Established in 2009
- Initiated draft language
- Implemented TCA guidance ACL 10-47

## Current:

- Reconvened in 2016
- Reviewed and finalized the TCA regulation language

# WHO PARTICIPATED AND WHEN?

Who participated in the TCA Subcommittee?

- CDSS staff
- Advocates
- Tribal Representatives

When did it reconvene?

- November 9, 2016



# WHAT DOES THE TCA REGULATION PACKAGE DO?

Provides guidance to child welfare workers finalizing the permanency plan for TCA purposes.

# CONSULTATION

This regulation package provides guidance on how the county agency will consult with the Indian child's tribe throughout the entire concurrent planning and permanency process.



# CONSULTATION INPUT/FEEDBACK

Article 1 Consultation

# ASSESSMENT OF THE CHILD

The regulation package provides guidance on the assessment of the Indian child which includes a written assessment, gathering of documents, reports, and authorizations, and adoption planning services.



# ASSESSMENT INPUT/FEEDBACK

Article 2 Written Assessment

# APPLICATION TO ADOPT

This regulation package provides guidance on the written application, agency actions, authority for disapproval, and information to be provided to the applicant.



# APPLICATION INPUT/FEEDBACK

Article 3 Application to Adopt

# HOME STUDY PROCESS

This regulation package provides guidance on home study process, designation by the tribe of agency to perform the home study, and the various entities' responsibilities for completion of the home study.



# HOME STUDY INPUT/FEEDBACK

Article 4 Tribal Designee  
Article 5 Home Study

# COURT ORDER AND REPORTS

This regulation package provides guidance on how and when the county agency obtains the TCAO from the tribe and how to submit it to the court.



# COURT ORDER/REPORTS INPUT/FEEDBACK

Article 6 TCAO and Addendum Report  
to the Court

# ADOPTIVE PLACEMENT

This regulation package provides guidance on how and when the adoptive placement is effectuated under TCA.



# PLACEMENT INPUT/FEEDBACK

Article 7 TCA Placement

# FINALIZATION

This regulation package provides guidance on the finalization of the TCA plan in juvenile court after the TCAO and adoptive placement.



# FINALIZATION INPUT/FEEDBACK

Article 8 Finalization

# SET ASIDES

This regulation package provides guidance on how and when a TCA may be set aside and the county agency's responsibilities thereafter.



# SET ASIDE INPUT/FEEDBACK

Article 9 Set Aside

# INTERSTATE PLACEMENT

This regulation packages provides guidance on how to handle interstate placement when TCA is the permanent plan.



# INTERSTATE PLACEMENT INPUT/FEEDBACK

Article 10 Interstate Placement

## NEXT STEPS

- Final comments are due **Friday, December 1, 2017** and should be submitted to [TribalConsultation@dss.ca.gov](mailto:TribalConsultation@dss.ca.gov)
- Incorporate revisions and feedback into the regulation package
- Submit the regulation to CDSS' Office of Regulation Development



# QUESTIONS/CONCERNS

CDSS Permanency Policy Bureau at  
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